



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/815,597
Applicant(s): Wolin *et al.*
Filed: March 23, 2001
Art Unit: 1642
Examiner: Sheela Jitendra Huff
Title: METHODS OF THERAPY FOR NON-HODGKIN'S LYMPHOMA

Confirmation No.: 7188

Attorney Docket No.: PP01658.002 (035784/209107)

Customer No.: 27476

Customer Representative's No.: 00826

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION BY INVENTOR JOSEPH D. ROSENBLATT

I, Joseph D. Rosenblatt, hereby declare that:

1. I am a co-inventor, along with Maurice J. Wolin, of the invention claimed in the above-identified patent application, which claims priority to U.S. Provisional Patent Application No. 60/192,047, filed March 24, 2000, which has the same inventive entity.
2. I am a co-author of the abstract entitled "Preliminary Report on Biological Effects of Rituxan® and Interleukin 2 (IL-2) in Patients with Low-Grade or Mantle Cell Non-Hodgkins Lymphoma (NHL)," which was published in *Blood* 94:270b on November 15, 1999. Co-inventor Maurice J. Wolin is also a co-author on this abstract. The *Blood* 94:270b abstract discloses work that is subject matter of the above-identified application.
3. At the time of the submission of the *Blood* 94:270b abstract, I was employed by University of Rochester Cancer Center, Rochester, New York, working as Chief of Oncology.
4. B. Yirinec, K. Kendra, J.M. Bennett, D. Marquis, K. Rosell, Y.Q. Huang, and C. Abboud were co-workers at the University of Rochester Cancer Center, Rochester, New York, at the time the *Blood* 94:270b abstract was prepared and

are co-authors on this abstract. T. Whiteside was an employee at the University of Pittsburgh Cancer Institute, Pittsburgh, Pennsylvania, and is a co-author of the *Blood* 94:270b abstract. L. Kunkel was an employee of Genentech, San Francisco, California, and is a co-author of the *Blood* 94:270b abstract. These individuals did not conceive of the subject matter claimed in the above-identified patent application and are not co-inventors thereof.

5. The role of the remaining nine co-authors listed on the *Blood* 94:270b abstract was in the performance of technical services.
6. The *Blood* 94:270b abstract was published less than one year prior to March 24, 2000, which is the priority date of the above-identified patent application.
7. In view of the foregoing facts, I submit that the *Blood* 94:270b abstract is not prior art to the above-identified patent application.
8. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issued thereon.

Date

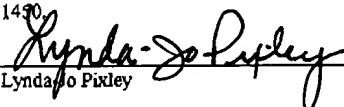
4/1/04


Joseph D. Rosenblatt

Appl. No.: 09/815,597

Filed: March 23, 2001

Page 3

Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	<p style="text-align: right;">A 390050655</p> <p>"Express Mail" mailing label number EV _____ US Date of Deposit <u>April 1</u>, 2004</p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p> Lynda J. Pixley</p>
--	--